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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,303	06/03/2002	Marc Saelen	10541-927	8786

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EXAMINER	
COMPTON, ERIC B	
ART UNIT	**PAPER NUMBER**
3726	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/030,303	SAELEN ET AL.	
	Examiner	Art Unit	
	Eric B. Compton	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 18-26, 29-39, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 4,243,456 to Cesano in further view of U.S. Pat. 4,991,478 to Riley.

Cesano discloses a process (and a device process) for forming a planiform piece intended for an interior fitting of a motor vehicle (see Figure 6), the process comprising: covering at least one layer of at least one face along a portion (in vicinity of 143) of a support material (10) with a cladding (11).,

cutting (with blade 141) along said portion such that said cladding (1 1) projects from said support material (10) in said portion;

pre-positioning a cutting.tool (151) between said cladding (1 1) and said suppod material (10) along said portion; and

cutting along said portion with said 'cutting tool (151) when said support material (10) is covered with said cladding (1 1), simultaneously while forming a laminate. Cesano discloses the invention cited above consistent with that of the

embodiment of Applicant shown in Figure 3. However, Cesano does not disclose the position the cutting tool between the cladding and the support material by providing mounting the cutting tool on a pivotable member mounted on at least one of the die and punch.

Riley discloses a process (and a device) for forming a planiform piece for an interior fitting of a motor vehicle (see Figure 1). Riley wishes to trim the edge of the planiform to remove a portion a support material (22) while covered with a covering material (26). *See* Col. 3, lines 45-55, Col. 5, lines 3-8.

> Blade fixture 60 holds the blades in one of two positions, an open workpiece accessing position and a closed, cutting position. The cutting position is shown in FIG. 2. In FIG. 3, the cutting position is shown in solid lines and the open position in dashed lines. Actuator 62 (FIG. 2), which may be hydraulic. pneumatic, mechanical or electromechanical, moves the blade fixture between the two positions. In the open position, the workpiece may be readily inserted for trimming or removed after trimming. In the closed position the blades are oriented generally vertically for cutting. Rollers 58 are seen in FIG. 2 in contact with the blade segments. The rollers are pressed into contact with blade segments 42 by pneumatic or mechanical actuators 64, which apply pressure to the rollers.

Col. 4, lines 52-66. This embodiment generally corresponds to the embodiments of Applicant shown in Figures 1, 2, and 4. Thus, Riley discloses pivotable member for positioning the cutting tool (42) includes a support (60) for co-operating with at least one of the punch (38) and the die (36). "[R]emoval of the workpiece is effected by first returning the blade assemblies to the open position prior to removal." Col. 7, lines 2-4. A second embodiment of the invention, discloses a translational cutting tool, akin to Cesano and the embodiment of Applicant shown in Figure 3. *See* Figures 6-7.

Regarding claims 18 and 31, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have positioned the cutting tool between the cladding and the support material by providing mounting the cutting tool on a pivotable member mounted on at least one pf the die and punch in the invention of Cesano, in light of the teachings of Riley, since a translational cutting tool and articulated cutting tool are equivalent means. *See* In re Ruff, 256 F.2d 590, 598 (CCPA 1958) (holding prima facie obviousness of equivalence may be suggested by prior art).

Regarding claims 19-21 and 32-34, Riley discloses an intermediate member (66) for rotatably securing the pivotable member (66) to the die. As to the securing the intermediate member to the punch, it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art. *In re Einstein*, 46 F.2d 373 (C.C.P.A. 1931).

Regarding claim 22-23 and 35-36, Riley disclose a jack (62) acting on the cutting tool support (70) for applying a pressure to a cutting portion; and the mold includes an applying means (58) for applying pressure to the cutting portion.

Regarding claims 24-25 and 37-38, Riley discloses providing stops/rollers (58 having cam surfaces for applying force to, i.e., pressing the pivotable member (70) and cutting tool (42) is provided. The lower actuator (66) acts as a lower stop for the pivotable member (70).

Regarding claims 26 and 39,Riley disclose providing the cutting tool with a non-cutting portion (74, 76) for contacting the cladding sheet and holding the cladding

against the die as the die is moved towards the punch. *See* Col. 5, lines 13-21.

Regarding claims 29-30 and 42-43, Riley discloses the use of elastic return means to cause the cutting tool to "spring back into their resting positions after cutting." *See* Col. 6, lines 63-65. Cesano also discloses elastic return means (161) which spring back after cutting.

3. Claims 27-28 and 40-41are rejected under 35 U.S.C. 103(a) as being unpatentable over Cesano/Riley as applied to the claims above, and further in view of JP 63-199628 to KASAI KOGYO CO.

Cesano and Riley disclose the invention cited above. However, they do not disclose providing a frame attached to the mould for contacting the cladding sheet.

KASAI KOGYO CO discloses a method (and device) similar to that of Cesano and Riley. A frame (20) is provided, which is attached to the mould for contacting the cladding sheet. It appears a jack is also provided for as contemplated by Applicant, for controlling the elevation of the frame. *See* Figures 1-3.

Regarding claims 27-28 and 40-41, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Cesano/Riley with a frame attached to the mould for contacting the cladding sheet, in light of the teachings of KASAI KOGYO CO, in order to pull the cladding sheet taut while cutting.

Response to Arguments

Applicant's arguments filed August 10, 2005, have been fully considered but they are not persuasive.

Applicant contends that U.S. Pat. 4,243,456 to Cesano fails to disclose "positioning the cutting tool between the cladding and the support material." Response, page 10. Applicant further notes:

> In Cesamo, the cutting tool 141 and the shearing edge 121 are not positioned between the cladding 111 and the support material. What is placed between the cladding 111 and the support material 101 is a member 15 have an inner edge 151 and a surface portion 152. The cladding 111 rests on the surface portion 152 while the inner edge serves to separate the cladding 111 from the support material 101 not cut the cladding. The cutting of the cladding 111 and the support material is performed by the cutting member 141 an the shearing surface 121, respectively, neither of which is positioned between the cladding 111 and the support material 101.

Id. Applicant has apparently mischaracterized Cesano.

Figures 1-3, of Cesano, clearly show that the cutting edge (151) of member (15) cuts the support material (10). *See also* Col. 6, lines 56-62 ("Inner edge 151 ... constitutes a cutting member that interacts with shearing edge 121 to constitute a first cutting means..."). The other cutting member (141) cuts the end portions of the cladding (11) only not the support material (10), as shown in Figure 3. *See* Col. 7, lines 42-45. As show in Figure 1, the cutting edge (151) is in fact positioning between the cladding (11) and the support material (10). The cutting member (141) cannot cut the support material (10), since it blocks by member (15). *See* Figure 2.

Thus, contrary to Applicant's arguments, Cesano (and other prior art) reads on the claims as indicated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (571) 272-4527. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ebc

ERIC COMPTON
PRIMARY EXAMINER